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APR 25 2002

Docket No. 8733.475.00

OFFICE OF PETITIONS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR Dong G. KIM et al.

SERIAL NO: 09/893,557

FILING DATE: June 29, 2001

FOR: REFLECTIVE AND TRANSFLECTIVE LIQUID CRYSTAL DISPLAY
DEVICE AND ITS MANUFACTURING METHOD

RESPONSE TO DECISION DISMISSING PETITION UNDER 37 CFR 1.47(a)

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

Responsive to the decision dismissing the petition under 37 CFR §1.47(a), mailed November 27, 2001, applicants herewith petition the Commissioner of Patents under 37 CFR §1.47(a) and submit a declaration executed by Messrs. Dong G. Kim, Woong K. Kim, Kyoung S. Ha, and Heume I. Baek, four of the five joint inventors in the above-identified application.

Additionally submitted herewith are:

1. A copy of a Deed of Transfer (including certified translation) between the inventors and the assignee, indicating that the non-signing inventor has agreed in writing to assign the invention to the assignee;
2. A copy of a returned envelope (including certified translation), indicating that the addressee has moved; and
3. A Declaration by Seung K. Lee of LG.Philips LCD Co., Ltd setting forth the facts in this case.

Further, it is submitted that a filing date under Rule 47 is necessary to prevent irreparable damage to the Applicant.

JOSEPH SKELLEY 00000008 509911 09893557

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DC:96469.1

A change of correspondence address was filed on March 20, 2002 in response to the Petition Decision.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 CFR §1.136(a), and any additional fees required under 37 CFR §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

LONG ALDRIDGE & NORMAN LLP

Date: April 24, 2002

By 

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UNITED STATES PATENT AND TRADEMARK OFFICE



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In re Application of
Kim, et al.
Application No.: 09/893,557
Filed: June 29, 2001
Attorney Docket No.: 8733.475.00
For: REFLECTIVE AND TRANSREFLECTIVE
LIQUID CRYSTAL DISPLAY DEVICE AND
ITS MANUFACTURING METHOD

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Paper No. 6

Request for Reconsideration, SJ
Jan 27.2002

Rmnr — DEC 27.2001

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DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

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This is a decision on the petition under 37 CFR 1.47(a), filed October 16, 2001. OFFICE OF PETITIONS

The petition is **DISMISSED**.

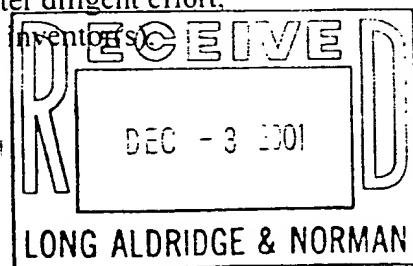
Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on June 29, 2001 without an executed oath or declaration. Accordingly, on August 17, 2001, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for their filing.

In response, on October 16, 2001, a declaration executed by 4 of 5 joint inventors, the surcharge, the petition fee, and the instant petition were filed. A declaration of facts of Seung K. Lee, an attorney handling the case, accompanied the petition. Ms. Lee explains that non-signing joint inventor Yong Beom Kim was mailed a registered letter including the combined Declaration and Power of Attorney for Mr. Kim's execution to his last known address. This mailing was returned. In addition, attempts to reach Mr. Kim at home and at work via the telephone were fruitless.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).



This petition lacks item (1) above.

As to item (1), Applicants have failed to establish that the inventor cannot be reached. Applicants stated that calls were made to the inventor's telephone numbers of record, but that there was no answer. In addition, a copy of the declaration was mailed to the inventor's last known address, but was purportedly returned.¹

Applicants have not shown the diligence required to attain Rule 47 status. An affidavit or declaration of facts must be signed by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. A copy of the complete application papers should be sent to the last known address of the non-signing inventor with a request that he sign the declaration for the patent application. A forwarding address should be requested.

Copies of documentary evidence such as certified mail return receipt, any inquiries of the telephone directory, or any extant national or regional registry, telegrams, computer searches (LEXIS), and documented inquiries of his last known employer etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. Petitioners should provide a verified translation of any supporting documentation if the documentation is in a language other than English. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs slightly from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By facsimile: (703) 308-6916
 Attn: Office of Petitions

¹ The Office cannot read the Korean language envelope. Thus, why the envelope was returned cannot be ascertained --was it undeliverable, was it refused, etc.

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

Ernstine Miller

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: LONG ALDRIDGE & NORMAN, LLP
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